

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

THOMAS S. NEUBERGER; JERRY L.
MARTIN; WILLIAM R. HAGUE, JR.;
DELAWARE STATE SPORTSMEN’S
ASSOCIATION, INC; and BRIDGEVILLE
RIFLE & PISTOL CLUB, LTD.,

Plaintiffs.

v.

Civil Action No. 1:24-cv-00590-MN

NATHANIEL MCQUEEN, JR., in his official
capacity as Cabinet Secretary, Delaware
Department of Safety and Homeland Security;
and COL. WILLIAM CROTTY, in his official
capacity as Superintendent of the Delaware
State Police,

Defendants.

DEFENDANTS’ NOTICE OF SUBSEQUENT AUTHORITY

Pursuant to Local Rule 7.1.2(b), Defendants Nathaniel McQueen, Jr. and Col. William Crotty respectfully submit this Notice of Subsequent Authority in connection with Defendants’ pending Motion to Dismiss Plaintiffs’ Second Amended Complaint. ECF No. 41.

On September 10, 2025, the United States Court of Appeals for the Third Circuit decided *Koons v. Att’y Gen. New Jersey*, ___ F.4th ___, 2025 WL 2612055 (3d Cir. Sept. 10, 2025), an appeal from *Koons v. Platkin*, 673 F. Supp. 3d 515 (D.N.J. 2023), which the parties cited in motion to dismiss briefing before the Court. ECF Nos. 41, 44, 45. *Koons* holds *inter alia* that a provision of New Jersey’s firearm permitting scheme requiring an applicant for a handgun carry permit to obtain endorsements from “four reputable persons” is consistent with the Second Amendment. *Koons*, 2025 WL 2612055 at **22–23. The Third Circuit ruled that, consistent with the Supreme

Court’s approval of state firearm permit schemes “based on a circumscribed range of ‘discretionary criteria’” in *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022), “New Jersey’s permitting requirement is a neutral, generally applicable law designed to ensure that firearms end up only with those whom their communities deem to be safe to carry them.” *Koons*, 2025 WL 2612055 at *23.

Defendants respectfully suggest that *Koons* supports the “objective and definite” criteria arguments Defendants raise in their Motion to Dismiss. ECF No. 41 at 12–14. In particular, the Delaware statute’s “dangerousness” determination under 11 Del. C. § 1448D(f)(3) is also a “neutral, generally applicable law designed to ensure that firearms end up only with those whom their communities deem to be safe to carry them.” *Koons*, 2025 WL 2612055 at *23. The *Koons* decision is attached to this Notice as Exhibit A.

Dated: September 17, 2025

Respectfully submitted,

DELAWARE DEPARTMENT OF JUSTICE
/s/ Nicholas D. Picollelli Jr.

Nicholas D. Picollelli Jr. (#6317)
Deputy Attorney General
Carvel State Office Building
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
nicholas.picollelli@delaware.gov

FRESHFIELDS US LLP
Eric B. Bruce (admitted *pro hac vice*)
Jennifer B. Loeb (admitted *pro hac vice*)
Lauren Kaplin (admitted *pro hac vice*)
Jacob Johnston (admitted *pro hac vice*)
700 13th Street, NW, 10th Floor
Washington, DC 20005
(202) 777-4500
eric.bruce@freshfields.com

jennifer.loeb@freshfields.com
lauren.kaplin@freshfields.com
jacob.johnston@freshfields.com

Rebecca Curwin Kerr (admitted *pro hac vice*)
3 World Trade Center
175 Greenwich Street, 51st Floor
New York, NY 10007
(212) 277-4000
rebecca.kerr@freshfields.com

Counsel for Defendants

Nathaniel McQueen, Jr. in his official capacity as
Cabinet Secretary, Delaware Department of Safety
and Homeland Security; and Col. William Crotty in
his official capacity as Superintendent of the
Delaware State Police